

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

SEARS HOLDINGS CORPORATION, et al.,¹

Debtors.

Chapter 11

Case No. 18-23538 (RDD)

(Jointly Administered)

OBJECTION OF ERIC RICHARD I.B. COMPANY, LLC TO CURE COST

Eric Richard I.B. Company, LLC (“Landlord”),² by and through its attorneys, McManimon, Scotland & Baumann, LLC, in response to the above-captioned Debtors’ *Notice of Assumption and Assignment in Connection with Sale of Sears Home Improvement Business* (the “Notice”) hereby files and serves, pursuant to the procedures set forth in the Notice, its objection to the Debtors’ calculation of the Cure Costs (as defined in the Notice) due to the Landlord in connection with the Landlord’s Proposed Assumed Contract (as defined in the Notice), and states as follows:

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are as follows: Sears Holding Corporation (0798); Kmart Holding Corporation (3116); Kmart Operations LLC (6546); Sears Operations LLC (4331); Sears, Roebuck and Co. (0680); ServiceLive Inc. (6774); SHC Licensed Business LLC (3718) A&E Factory Service, LLC (6695); A&E Home Delivery, LLC (0205); A&E Lawn & Garden, LLC (5028); A&E Signature Service, LLC(0204); FBA Holdings Inc. (6537); Innovel Solutions, Inc. (7180); Kmart Corporation (9500); MaxServ, Inc. (7626); Private Brands, Ltd. (4022); Sears Development Co. (6028); Sears Holdings Management Corporation (2148); Sears Home & Business Franchises, Inc. (6742); Sears Home Improvement Products, Inc. (8591); Sears Insurance Services, L.L.C. (7182); Sears Procurement Services, Inc. (2859); Sears Protection Company (1250); Sears Protection Company (PR) Inc. (4861); Sears Roebuck Acceptance Corp. (0535); Sears, Roebuck de Puerto Rico, Inc. (3626); SYW Relay LLC (1870); Wally Labs LLC (None); SHC Promotions LLC (9626); Big Beaver of Florida Development, LLC (None); California Building Appliances, Inc. (6327); Florida Builder Appliances, Inc. (9133); KBL Holding Inc. (1295); KLC, Inc. (0839); Kmart of Michigan, Inc. (8915); MyGofer LLC (5531); Sears Brands Business Unit Corporation (4658); Sears Holdings Publishing Company, LLC (5554); Sears Protection Company (Florida), L.L.C. (4239); SHC Desert Springs, LLC (None); SOE, Inc. (9616); StarWest KKC (5379); STI Merchandising, Inc. (0188); Troy Coolidge No. 13, LLC (None); Blue Light.com, Inc. (7034); Sears Brands, L.L.C. (4664); Sears Buying Services, Inc. (6533); Kmart.com LLC (9022); and Sears Brands Management Corporation (5365); The location of the Debtors’ corporate headquarters is 3333 Beverly Road, Hoffman Estates, Illinois 60179.

² The Landlord is incorrectly identified as “Woodmonte Properties” on Exhibit B to the Notice (as defined below). Woodmont Properties is an affiliate of the Landlord.

1. The Landlord is the lessor of Debtor Sears Home Improvement Products, Inc. (“SHIP”), pursuant to a lease agreement dated November 11, 2011, respecting SHIP’s location at 50 Williams Parkway, East Hanover, New Jersey (the “Lease”).

2. SHIP asserts in the Notice (Exhibit B, at Line 890) that the proposed cure amount for its assumption and assignment of the Lease is \$0.00. Landlord objects to such proposed cure amount, and submits that it is incorrect.

3. In particular, pursuant to the provisions of the Lease, SHIP is obligated to pay, among other things, monthly base rent and utilities. As of the drafting of this objection, the correct cure amount due under the Lease is as follows:

Unpaid balance of base rent for December 2018	\$6,836.51
JCP&L utility charge assessed on December 5, 2018	640.17
TOTAL	\$7,476.68

4. Accordingly, Landlord respectfully submits that the appropriate Cure Cost respecting the Lease, as of the date hereof, is \$7,476.68.

Dated: December 11, 2018

/s/ Sam Della Fera, Jr.
McMANIMON, SCOTLAND & BAUMANN, LLC
75 Livingston Avenue
Suite 201
Roseland, New Jersey 07068
Telephone: (973) 622-1800
Facsimile: (973) 681-7233
Sam Della Fera, Jr.

*Attorneys for Eric Richard I.B. Company, LLC,
Landlord/Creditor*

CERTIFICATE OF SERVICE

I certify that on December 11, 2018, this office caused the within Objection of Eric Richard I.B. Company, LLC to Cure Cost to be served on the parties on the annexed Service List via electronic mail and/or first-class mail.

Dated: December 11, 2018

/s/ Sam Della Fera, Jr.

Sam Della Fera, Jr.

SERVICE LIST

Honorable Robert D. Drain, U.S.B.J.
United States Bankruptcy Court
Southern District of New York
300 Quarropas Street, Room 248
White Plains, NY 10601

Office of the United States Trustee
Attn: Paul K. Schwartzberg, Esq.
U.S. Federal Office Building
201 Varick Street, Room 1006
New York, NY 10014

Debtors:

Sears Holdings Corporation, et al.
Attn: Stephen Sitley, Esq.
Luke J. Valentino, Esq.
3333 Beverly Road
Hoffman Estates, IL 60179
(counsel@searsshc.com)
Notice on behalf of All Debtors

Attorneys for Debtors

Weil, Gotshal & Manges LLP
Attn: Ray C. Schrock, P.C.
Jacqueline Marcus, Esq.
Gavin Westerman, Esq.
Garrett A. Fail, Esq.
Sunny Singh, Esq.
767 Fifth Avenue
New York, NY 10153
ray.sschrock@weil.com;
jacqueline.marcus@weil.com;
gavin.westerman@weil.com;
garrett.fail@weil.com;
sunny.singh@weil.com

Debtors' Investment Banker

Lazard Freres & Co., LLC
Attn: Brandon Aebersold
Levi Quaintance
30 Rockefeller Plaza
New York, NY 10112
Brandon.aebersold@lazard.com;
levi.quaintance@lazard.com

Attorneys for Stalking Horse Bidder

Sidley Austin LLP
Attn: Aaron Rigby, Esq.
David E. Kronenberg, Esq.
2021 McKinney Avenue, Suite 2000
Dallas, TX 75201
arigby@sidley.com;
dkronenberg@sidley.com

**Attorneys for Official Committee of
Unsecured Creditors**

Ira S. Dizengoff, Esq.
Akin, Gump, Strauss, Hauer & Feld, LLP
One Bryant Park
New York, NY 10036

All Parties on the Debtors' Master Service
List as of December 10, 2018 Maintained by
Prime Clerk

4827-2973-6322, v. 1